

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLARENCE BROOKS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-24-122-F
)	
AMANDA LILLY, STATE OF)	
OKLAHOMA,)	
)	
Defendants.)	

ORDER

United States Magistrate Judge Suzanne Mitchell has issued a Report and Recommendation, recommending dismissal without prejudice of plaintiff's 42 U.S.C. § 1983 action against defendants based on plaintiff's failure to state a claim upon which relief may be granted. The Report and Recommendation advised plaintiff of his right to file an objection to the Report and Recommendation by June 5, 2024, and specifically advised him that failure to make a timely objection waives the right to appellate review of both factual and legal questions therein contained. The Report and Recommendation was sent to plaintiff's last known address and has never been returned as undeliverable.

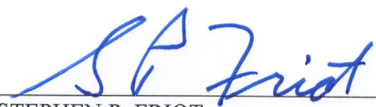
To date, plaintiff has not filed an objection to the Report and Recommendation. On May 30, 2024, the court clerk received from plaintiff two filings addressed to Magistrate Judge Mitchell. Doc. nos. 21 and 22. However, those filings, even liberally construed, do not address the specific findings and recommendation of Magistrate Judge Mitchell. As such, the court concludes that

the filings should not be construed as an objection to the Report and Recommendation. With no objection to the Report and Recommendation being filed within the time prescribed by Magistrate Judge Mitchell, the court finds that plaintiff has waived the right of appellate review, and it accepts, adopts, and affirms the Report and Recommendation in its entirety.

Alternatively, to the extent plaintiff's May 30, 2024 filings should be construed as an objection to the Report and Recommendation, the court, after *de novo* review of the matter, pursuant to 28 U.S.C. § 636(b)(1), finds the objection to be without merit. The court concurs with the analysis of Magistrate Judge Mitchell. The court finds it unnecessary to repeat that analysis here. The court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation (doc. no. 18) issued by United States Magistrate Judge Suzanne Mitchell is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Plaintiff's 42 U.S.C. § 1983 action against defendants is dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. A judgment will issue separately.

DATED this 20th day of June, 2024.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE